

## **MEMORANDUM**

TO: OUT-OF-STATE PHARMACIES

FROM: MICHAEL BURLESON, EXECUTIVE DIRECTOR

DATE: APRIL 28, 2005

RE: 2005 LEGISLATIVE CHANGES-EFFECTIVE JUNE 20, 2005

Senate Bill 63 amends KRS 315.0351 to require out-of-state pharmacies who are delivering prescription medications to citizens of the Commonwealth to have a pharmacist-in-charge who holds a Kentucky pharmacist license. Due to the fact that this law becomes effective June 20, 2005, and this being the renewal period for pharmacies, the deadline for out-of-state pharmacies to place a Kentucky licensed pharmacist-in-charge is October 31, 2005. A pharmacist's license expires each year on February 28<sup>th</sup>.

Senate Bill 63 also amended KRS 315.035 to include a requirement for any pharmacy doing business, primarily or exclusively within the Commonwealth by use of the Internet, to obtain a Kentucky pharmacy permit. The amendment requires the Internet pharmacy to be certified as a Verified Internet Pharmacy Practice Site (VIPPS) by the National Association of Boards of Pharmacy (NABP). The VIPPS certification process begins with the submission of a completed VIPPS Application Form and supporting documentation. As a VIPPS-certified site, the Internet pharmacy may display the VIPPS hyperlink seal of approval on their Web site. For more information about VIPPS, please contact NABP at 847/391-4406, or visit the NABP Web site at [www.nabp.net](http://www.nabp.net).

If you have questions or comments, please feel free to contact the Board office.

**KENTUCKY BOARD OF PHARMACY  
23 MILLCREEK PARK  
FRANKFORT KY 40601**

THIS NEW LAW TAKES EFFECT JUNE 20, 2005

KRS 315.010: INCIDENTAL AS USED IN KRS 315.0351(1) MEANS DISPENSING FEWER THAN TWENTY-FIVE (25) PRESCRIPTIONS IN A CALENDAR MONTH.

IF AN OUT-OF-STATE PHARMACY DISPENSES TO CITIZENS IN THE COMMONWEALTH FEWER THAN TWENTY-FIVE (25) PRESCRIPTIONS IN A CALENDAR MONTH THAT PHARMACY IS NOT REQUIRED HAVING A PHARMACY PERMIT. IF THAT PHARMACY STILL WANTS TO HAVE A KENTUCKY PERMIT, THAT PHARMACY WOULD NOT BE REQUIRED TO HAVE A KENTUCKY LICENSED PHARMACIST IN CHARGE.

IF AN OUT-OF-STATE PHARMACY HAS A KENTUCKY PHARMACY PERMIT AND FILLS FEWER THAN TWENTY-FIVE (25) PRESCRIPTIONS IN A CALENDAR MONTH, THE BOARD OFFICE REQUESTS THAT THE PHARMACY VERIFIES THAT IN WRITING.

KRS 315.0351(7): EACH OUT-OF-STATE PHARMACY SHALL HAVE A PHARMACIST IN CHARGE WHO IS LICENSED TO ENGAGE IN THE PRACTICE OF PHARMACY BY THE COMMONWEALTH THAT SHALL BE RESPONSIBLE FOR COMPLIANCE BY THE PHARMACY WITH THE PROVISIONS OF THIS SECTION.

AN OUT-OF-STATE PHARMACY THAT HAS A KENTUCKY PHARMACY PERMIT AND FILLS TWENTY-FIVE (25) AND ABOVE PRESCRIPTIONS IN A CALENDAR MONTH MUST HAVE A PHARMACIST IN CHARGE LICENSED IN KENTUCKY. THIS KENTUCKY LICENSED PHARMACIST MAY BE ANY EMPLOYEE PHARMACIST OF THE PHARMACY THAT IS PERMITTED BY KENTUCKY.

KRS 315.0351(8): EACH OUT-OF-STATE PHARMACY SHALL COMPLY WITH THE KRS 218A.202

AN OUT-OF-STATE PHARMACY THAT HAS A KENTUCKY PHARMACY PERMIT MUST REPORT ALL CONTROLLED SUBSTANCES PRESCRIPTIONS SENT TO CITIZENS IN THE COMMONWEALTH TO KASPER.

KRS 315.0351(9): ANY OUT-OF-STATE PHARMACY DOING BUSINESS, PRIMARILY OR EXCLUSIVELY BY USE OF THE INTERNET, SHALL PRIOR TO OBTAINING A PERMIT, RECEIVE AND DISPLAY IN EVERY MEDIUM IN WHICH IT ADVERTISES ITSELF, A SEAL OF APPROVAL FOR THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY CERTIFYING THAT IS A VERIFIED INTERNET PHARMACY PRACTICE SITE (VIPPS). VIPPS CERTIFICATION SHALL BE MAINTAINED AND REMAIN CURRENT.

KRS 315.0351(10): ANY OUT-OF-STATE PHARMACY, DOING BUSINESS PRIMARILY OR EXCLUSIVELY BY USE OF THE INTERNET, SHALL CERTIFY THE PERCENTAGE OF ITS ANNUAL BUSINESS CONDUCTED VIA THE INTERNET AND SUBMIT SUCH SUPPORTING DOCUMENTATION AS REQUESTED BY THE BOARD, AND IN A FORM OR APPLICATION REQUIRED BY THE BOARD, WHEN IT APPLIES FOR PERMIT OR RENEWAL.